

Counsel listed on next page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID HALTERMAN,

Plaintiff,

v.

LEGATO SOFTWARE, a Division of EMC
Corporation; EMC CORPORATION, dba
EMC PERIPHERALS, INC., and DOES 1-X,

Defendants.

Case No. C04-2660 JW

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO FILE UNDER SEAL:**

**1) PORTIONS OF DEFENDANT
EMC CORPORATION'S
OPPOSITION TO PLAINTIFF'S
MOTION IN LIMINE NO. 3 TO
EXCLUDE CERTAIN EVIDENCE RE
FORMER EMPLOYERS; AND**

**2) CERTAIN EXHIBITS TO THE
DECLARATION OF MICHAEL D.
WEIL IN SUPPORT THEREOF**

[CIV. L.R. 7-11, 7-12, & 79-5]

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21 **Attorneys for Defendant**
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1 PURSUANT TO CIVIL LOCAL RULES 7-11, 7-12, and 79-5, Plaintiff David
2 Halterman and Defendant EMC Corporation (collectively, “the parties”) stipulate as follows:

3 WHEREAS, in this matter, the Court entered a Stipulated Protective Order (“the
4 Order”) on December 3, 2004;

5 WHEREAS, the Order requires in paragraph 9 that:

6 In the event that any Confidential Information . . . is filed, included in, or referred to in
7 any paper filed with the Court, counsel responsible for such filing shall submit the
8 papers to the court along with a request to file under seal pursuant to Civil Local Rule
79-5;

9 WHEREAS, in paragraph 1 of the order, the Court defined “Confidential
10 Information” as “information that qualifies for protection under F.R.C.P. 26(c)”;

11 WHEREAS, Defendant EMC Corporation’s Opposition to Plaintiff’s Motion in
12 Limine No. 3 To Exclude Certain Evidence re Former Employers and certain exhibits to the
13 Declaration of Michael D. Weil in support thereof contain, in part, sensitive and confidential
14 information about Mr. Halterman’s mental health, diagnoses of his mental disorders, his personal
15 history, as well as private prior employer personnel file information;

16 WHEREAS, the parties agree that the portions of EMC Corporation’s opposition
17 brief and exhibits to Mr. Weil’s declaration that discuss this private, sensitive and confidential
18 information fall within this Court’s definition of “Confidential Information” contained in the
19 Order and that Mr. Halterman should be protected from having this highly personal information
20 contained in the public record;

21 WHEREAS, the parties have limited the scope of this request to meet the
22 requirement of Civil L.R. 79-5(b) that it be “narrowly tailored to seal only that material for which
23 good cause to seal has been established” and that it “shall direct the sealing of only those
24 documents, pages, or, if practicable, those portions of documents or pages, which contain the
25 information requiring confidentiality”; and

26 WHEREAS, the concurrence in the filing of the document has been obtained from
27 Kathryn Burkett Dickson, Attorney for Plaintiff, Mr. Halterman;

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1 IT IS HEREBY STIPULATED by and between the parties to this action through
2 their designated counsel that the portions of Defendant EMC Corporation's Opposition to
3 Plaintiff's Motion in Limine No. 3 To Exclude Certain Evidence re Former Employers and
4 certain exhibits to the Declaration of Michael D. Weil in support thereof discussing Mr.
5 Halterman's private, sensitive and confidential information be filed under seal.

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8 Dated: April 24, 2006

Respectfully submitted,

9 KATHRYN BURKETT DICKSON
10 DICKSON – ROSS LLP

11 DAVID ANGLE
12 ANGLE & ANGLE LLC

13 By /s/
14 Kathryn Burkett Dickson
15 Attorneys for Plaintiff,
David Halterman

16 Dated: April 24, 2006

17 GARY R. SINISCALCO
18 LYNNE C. HERMLE
19 MICHAEL D. WEIL
20 ORRICK, HERRINGTON & SUTCLIFFE LLP

21 LEANNE FITZGERALD
22 EMC CORPORATION

23 By /s/
24 Michael D. Weil
25 Attorneys for Defendant,
26 EMC Corporation.

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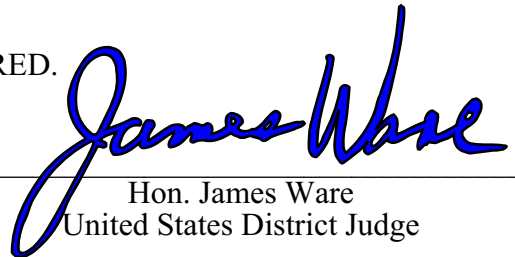
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1 I hereby attest that the concurrence in the filing of this document has been obtained from
2 Kathryn Burkett Dickson, Attorney for Plaintiff, David Halterman.

3
4 By: _____/s/_____
5 Michael D. Weil
6 Attorneys for Defendant
EMC Corporation

7 PURSUANT TO STIPULATION, IT IS SO ORDERED.

8 Dated: 04/26/06

9 
10 Hon. James Ware
United States District Judge